

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVIN PEARLSTEIN, Individually and On : Civil Action No. 1:13-cv-07060-TPG  
Behalf of All Others Similarly Situated, :  
:  
Plaintiff, :  
:  
v. :  
:  
BLACKBERRY LIMITED (formerly known as :  
RESEARCH IN MOTION LIMITED), :  
THORSTEN HEINS and BRIAN BIDULKA, :  
:  
Defendants. :  
x

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BENYAMIN KOHANIM, Individually and On : Civil Action No. 1:13-cv-07132-TPG  
Behalf of All Others Similarly Situated, :  
:  
Plaintiff(s), :  
:  
v. :  
:  
BLACKBERRY LIMITED (formerly known as :  
RESEARCH IN MOTION LIMITED), :  
THORSTEN HEINS and BRIAN BIDULKA, :  
:  
Defendants. :  
x

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VU TRAN, Individually and On Behalf of All : Civil Action No. 1:13-cv-07972-TPG  
Others Similarly Situated, :  
:  
Plaintiff, :  
:  
v. :  
:  
BLACKBERRY LIMITED (formerly known as :  
RESEARCH IN MOTION LIMITED), :  
THORSTEN HEINS and BRIAN BIDULKA, :  
:  
Defendants. x

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**DECLARATION OF BRIAN C. KERR IN SUPPORT OF THE MOTION OF THE  
BLACKBERRY LIMITED INVESTOR GROUP TO CONSOLIDATE  
RELATED ACTIONS; TO BE APPOINTED LEAD PLAINTIFF;  
AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

I, Brian C. Kerr, hereby declare as follows:

1. I am over 18 years of age and am competent to testify to the matters and facts hereinafter set forth. I am a Director of the law firm of Brower Piven, A Professional Corporation (“Brower Piven”). I am a member in good standing of the bar of the State of New York.

2. I submit this Declaration, together with the attached exhibits, in support of the Motion Of The BlackBerry Limited Investor Group To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff's Choice Of Counsel, filed pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. §78u-4(a)(3)(B), as amended by Section 101(b) of the Private Securities Litigation Reform Act of 1995 (“PSLRA”).

3. Attached hereto collectively as Exhibit A are true and correct copies of the sworn Certifications of Linda Jui Lin Chang, Batuhan Ulug, Alan Huggins, Yong M. Cho, and Inamul Desai (collectively, the “BlackBerry Limited Investor Group”).

4. Attached hereto as Exhibit B is a true and correct copy of the Consolidated Schedule of Transaction and Losses for the members of the BlackBerry Limited Investor Group as a result of their investments in BlackBerry Limited securities.

5. Attached hereto as Exhibit C is a true and correct copy of the press release published on October 4, 2013 on *Marketwired* announcing the pendency of the *Pearlstein* Action.

7. Attached hereto as Exhibit D is a true and correct copy of the firm resume of

Brower Piven, A Professional Corporation.

I declare under penalty of perjury that the foregoing facts are true and correct. Executed this 3rd day of December 2013 at New York, New York.

*/s/ Brian C. Kerr*

Brian C. Kerr

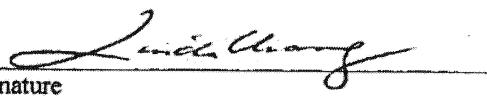
# EXHIBIT A

PLAINTIFF'S CERTIFICATION

LINDA JUI LIN CHANG ("Plaintiff") declares that:

1. I have reviewed the first filed complaint in the BlackBerry Limited Securities Litigation and adopt, and would authorize the filing of, that complaint.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in BlackBerry Limited securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 11 day of November 2013.

  
Signature

Brower Piven, A Professional Corporation  
1925 Old Valley Road  
Stevenson, Maryland 21153  
Telephone: 410-332-0030  
Facsimile: 410-685-1300  
[www.browerpiven.com](http://www.browerpiven.com)

**BlackBerry Limited Securities Litigation**  
SCHEDULE OF TRANSACTIONS

Plaintiff: Linda Jui Lin Chang

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>
3/22/2013	Bought	5,000	\$16.71
5/14/2013	Bought	1,000	\$15.68
5/15/2013	Bought	5,000	\$15.36
6/28/2013	Bought	100	\$10.73
6/28/2013	Bought	300	\$10.74
6/28/2013	Bought	6,100	\$10.75
7/9/2013	Bought	5,000	\$9.80
8/13/2013	Bought	73,800	\$11.83

**PLAINTIFF'S CERTIFICATION**

BATUHAN ULUG ("Plaintiff") declares that:

1. I have reviewed the first filed complaint in the BlackBerry Limited Securities Litigation and adopt, and would authorize the filing of, that complaint.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in BlackBerry Limited securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3 day of DECEMBER 2013.

B. Ulug  
Signature

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**BlackBerry Limited Securities Litigation**  
SCHEDULE OF TRANSACTIONS

Plaintiff: Batuhan Ulug

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>
5/13/2013	Bought	40,000	\$15.90
9/20/2013	Sold	33,456	\$8.40
9/20/2013	Sold	4,400	\$8.42
9/20/2013	Sold	2,144	\$8.45

**PLAINTIFF'S CERTIFICATION**

Alan Hugains ("Plaintiff") declares that:

1. I have reviewed the first filed complaint in the BlackBerry Limited Securities Litigation and adopt, and would authorize the filing of, that complaint.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in BlackBerry Limited securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19<sup>th</sup> day of October November 2013.

  
\_\_\_\_\_  
Signature

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**BlackBerry Limited Securities Litigation**  
**SCHEDULE OF TRANSACTIONS**

Plaintiff: Alan Huggins

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>
9/20/2012	Bought	30,000	\$7.05
9/20/2012	Bought	20,000	\$6.98
9/20/2012	Bought	20,000	\$7.00
9/21/2012	Bought	5,000	\$6.55
9/25/2012	Bought	20,000	\$6.39
9/25/2012	Bought	10,000	\$6.38
9/26/2012	Sold	20,000	\$6.86
9/26/2012	Sold	10,000	\$6.86
9/26/2012	Sold	5,000	\$6.90
9/27/2012	Sold	30,000	\$7.10
9/27/2012	Sold	20,000	\$6.95
9/27/2012	Sold	20,000	\$7.10
9/27/2012	Sold	20,000	\$7.10
9/27/2012	Bought	20,000	\$6.82
9/27/2012	Sold Short	30,000	\$7.16
9/28/2012	Sold	20,000	\$8.08
9/28/2012	Bought	40,000	\$7.72
9/28/2012	Bought	30,000	\$8.00
9/28/2012	Bought	20,000	\$7.85
9/28/2012	Bought	20,000	\$7.95
9/28/2012	Bought	20,000	\$7.98
9/28/2012	Sold Short	20,000	\$7.95
9/28/2012	Sold Short	20,000	\$8.02
9/28/2012	Bought To Cover	20,000	\$7.55
9/28/2012	Bought To Cover	16,000	\$7.74
9/28/2012	Bought To Cover	4,000	\$7.55
10/1/2012	Sold	40,000	\$7.80
10/2/2012	Sold	30,000	\$8.15
10/2/2012	Sold	20,000	\$8.11
10/2/2012	Sold	20,000	\$8.10
10/2/2012	Sold Short	10,000	\$8.13
10/3/2012	Bought To Cover	10,000	\$8.01
10/9/2012	Bought	19,500	\$7.87

10/9/2012	Bought	500	\$7.88
10/11/2012	Sold	20,000	\$7.92
10/16/2012	Bought	30,000	\$7.82
10/17/2012	Sold	30,000	\$8.03
10/25/2012	Sold Short	10,000	\$7.61
11/1/2012	Sold Short	15,000	\$8.54
11/1/2012	Sold Short	15,000	\$8.21
11/7/2012	Bought To Cover	15,000	\$8.24
11/7/2012	Bought To Cover	15,000	\$8.40
11/9/2012	Sold	30,000	\$8.61
11/9/2012	Bought	30,000	\$8.50
11/19/2012	Sold Short	20,000	\$9.64
11/19/2012	Bought To Cover	20,000	\$9.58
11/23/2012	Sold Short	20,000	\$11.47
11/27/2012	Bought To Cover	20,000	\$11.25
11/28/2012	Sold	30,000	\$10.75
11/28/2012	Bought	30,000	\$10.55
12/21/2012	Sold	10,000	\$12.23
12/21/2012	Bought	10,000	\$12.09
12/21/2012	Bought To Cover	20,000	\$11.61
12/21/2012	Bought To Cover	10,000	\$11.64
12/21/2012	Bought To Cover	10,000	\$11.75
12/27/2012	Bought	20,000	\$11.58
12/28/2012	Sold	20,000	\$12.00
12/28/2012	Bought	30,000	\$11.96
1/2/2013	Sold	30,000	\$12.26
1/2/2013	Bought	10,000	\$11.78
1/4/2013	Sold	10,000	\$11.85
1/28/2013	Bought	30,000	\$16.51
1/28/2013	Bought	25,000	\$16.68
1/28/2013	Bought	10,000	\$16.66
1/29/2013	Sold	10,000	\$15.15
2/4/2013	Sold	30,000	\$14.28
2/4/2013	Sold	10,000	\$14.30
2/4/2013	Bought	10,000	\$14.20
2/5/2013	Bought	25,000	\$16.25
2/6/2013	Sold	25,000	\$16.35
2/6/2013	Sold	10,000	\$16.15
2/6/2013	Bought	10,000	\$16.01

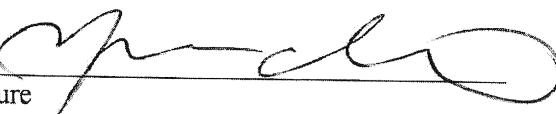
2/7/2013	Sold	25,000	\$16.75
2/8/2013	Bought	30,000	\$16.77
2/8/2013	Bought	20,000	\$16.66
2/14/2013	Sold	10,200	\$14.15
2/14/2013	Sold	5,500	\$15.02
2/19/2013	Sold	2,000	\$14.54
3/6/2013	Sold	2,000	\$13.15
7/2/2013	Bought	6,000	\$9.89
7/30/2013	Sold	500	\$8.72
7/31/2013	Sold	500	\$8.85
8/9/2013	Sold	6,000	\$9.95

**PLAINTIFF'S CERTIFICATION**

YONG M. CHO ("Plaintiff") declares that:

1. I have reviewed the first filed complaint in the BlackBerry Limited Securities Litigation and adopt, and would authorize the filing of, that complaint.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.
4. Plaintiff's transactions in BlackBerry Limited securities during the Class Period are attached hereto.
5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27 day of November 2013.

  
Signature

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**BlackBerry Limited Securities Litigation**  
SCHEDULE OF TRANSACTIONS

Plaintiff: Yong M. Cho

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>
9/17/2013	Bought	10,000	\$10.71
9/19/2013	Bought	5,000	\$10.35
9/19/2013	Bought	4,000	\$10.34
9/24/2013	Sold	10,000	\$8.56
9/24/2013	Sold	5,000	\$8.56
9/24/2013	Sold	4,000	\$8.56

**PLAINTIFF'S CERTIFICATION**

INAMUL DESAI ("Plaintiff") declares that:

1. I have reviewed the first filed complaint in the BlackBerry Limited Securities Litigation and adopt, and would authorize the filing of, that complaint.

2. Plaintiff did not purchase the security that is the subject of this action at the direction of plaintiff's counsel or in order to participate in this private action.

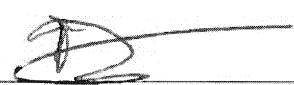
3. Plaintiff is willing to serve as a representative party on behalf of the class, including providing testimony at deposition and trial, if necessary, and Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group, a lead plaintiff being a representative party who acts on behalf of other class members in directing the action.

4. Plaintiff's transactions in BlackBerry Limited securities during the Class Period are attached hereto.

5. During the three years prior to the date of this Certification, Plaintiff has not sought to serve or served as a representative party for a class under the federal securities laws.

6. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the class as ordered or approved by the court. Plaintiff understands that this is not a claim form, and that Plaintiff's ability to share in any recovery as a member of the class is unaffected by Plaintiff's decision to serve as a representative party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26 day of November 2013.

  
Signature

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**BlackBerry Limited Securities Litigation**  
SCHEDULE OF TRANSACTIONS

Plaintiff: Inamul Desai

Date	Security	Type	Number of Contracts	Price
9/12/2013	\$11.00 Oct. 2013 Call Options	Bought	175	\$0.90

# EXHIBIT B

**BlackBerry Limited Securities Litigation**  
CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES

**BlackBerry Limited Investor Group Total Loss: \$337,364.00**

**BlackBerry Limited Securities Litigation**  
**CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES**

Linda Jui Lin Chang

All shares acquired before the partial corrective disclosure and held through the partial corrective disclosure

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>	<b>Cost</b>	<b>Dura Loss<sup>1</sup></b>	<b>15 U.S.C. §78u-4(e) Damage Cap</b>
3/22/2013	Bought	5,000	\$16.71	\$83,550.00	\$8,950.00	
5/14/2013	Bought	1,000	\$15.68	\$15,680.00	\$1,790.00	
5/15/2013	Bought	5,000	\$15.36	\$76,800.00	\$8,950.00	
6/28/2013	Bought	100	\$10.73	\$1,073.00	\$179.00	
6/28/2013	Bought	300	\$10.74	\$3,222.00	\$537.00	
6/28/2013	Bought	6,100	\$10.75	\$65,575.00	\$10,919.00	
7/9/2013	Bought	5,000	\$9.80	\$49,000.00	\$8,950.00	
8/13/2013	Bought	73,800	\$11.83	\$873,054.00	\$132,102.00	

Linda Jui Lin Chang Total Loss: \$172,377.00

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<sup>1</sup> Based on a \$1.79 per share drop, from a closing price of \$10.52 per share on September 19, 2013, to a closing price of \$8.73 per share on September 20, 2013.

**BlackBerry Limited Securities Litigation**  
**CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES**

Batuhan Ulug

All shares acquired before the partial corrective disclosure and held through the partial corrective disclosure

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>	<b>Cost</b>	<b>Dura Loss<sup>2</sup></b>	<b>15 U.S.C. §78u-4(e) Damage Cap</b>
05/13/13	Bought	40,000	\$15.90	\$636,000.00	\$71,600.00	

Batuhan Ulug Total Loss: \$71,600.00

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<sup>2</sup> Based on a \$1.79 per share drop, from a closing price of \$10.52 per share on September 19, 2013, to a closing price of \$8.73 per share on September 20, 2013.

**BlackBerry Limited Securities Litigation**  
**CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES**

Alan Huggins

All shares acquired before the partial corrective disclosure and held through the partial corrective disclosure

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>	<b>Cost</b>	<b>Dura Loss<sup>3</sup></b>	<b>15 U.S.C. §78u-4(e) Damage Cap</b>
02/08/13	Bought	20,000	\$16.66	\$333,200.00	\$35,800.00	
02/08/13	Bought	9,300 <sup>4</sup>	\$16.77	\$155,961.00	\$16,647.00	

Alan Huggins Total Loss: \$52,447.00

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<sup>3</sup> Based on a \$1.79 per share drop, from a closing price of \$10.52 per share on September 19, 2013, to a closing price of \$8.73 per share on September 20, 2013.

<sup>4</sup> At the end of the day on February 7, 2013, Mr. Huggins had zero shares of BlackBerry Limited stock. Between February 8, 2013 and August 9, 2013, Mr. Huggins acquired 56,000 shares and sold 26,700 shares. The 26,700 shares that he sold were matched against 26,700 shares that he purchased under a Last-In, First-Out Methodology. To arrive at exactly 26,700 shares, Mr. Huggins used 20,700 shares from the 30,000 shares that he purchased on February 8, 2013 for \$16.77 per share.

**BlackBerry Limited Securities Litigation**  
**CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES**

Yong M. Cho

All shares acquired before the partial corrective disclosure and held through the partial corrective disclosure

<b>Date</b>	<b>Type</b>	<b>Shares</b>	<b>Price</b>	<b>Cost</b>	<b>Dura Loss<sup>5</sup></b>	<b>15 U.S.C. §78u-4(e) Damage Cap<sup>6</sup></b>
9/17/2013	Bought	10,000	\$10.71	\$107,100.00	\$17,900.00	
9/19/2013	Bought	5,000	\$10.35	\$51,750.00		\$8,350.00
9/19/2013	Bought	4,000	\$10.34	\$41,360.00		\$6,640.00

Yong M. Cho Total Loss: \$32,890.00

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<sup>5</sup> Based on a \$1.79 per share drop, from a closing price of \$10.52 per share on September 19, 2013, to a closing price of \$8.73 per share on September 20, 2013.

<sup>6</sup> Based on the difference between the purchase price and the average share price between the day after the disclosure and the sale date, or \$8.68

**BlackBerry Limited Securities Litigation**  
**CONSOLIDATED SCHEDULE OF TRANSACTIONS AND LOSSES**

Inamul Desai

All \$11.00 call options acquired before the partial corrective disclosure and held through the partial corrective disclosure

Date	Security	Type	Number of Contracts	Price	Cost	Dura Loss <sup>7</sup>	15 U.S.C. §78u-4(e) Damage Cap
9/12/2013	\$11.00 Oct. 2013 Call Options	Bought	175	\$0.90	\$15,750.00	\$8,050.00	

Inamul Desai Total Loss: \$8,050.00

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<sup>7</sup> Based on the \$0.46 per call option drop, from the closing price of \$0.69 per option on September 19, 2013, to the closing price of \$0.23 per option on September 20, 2013, for \$11.00 call options set to expire on October 19, 2013.

# EXHIBIT C

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October 04, 2013 22:30 ET

## **Kahn Swick & Foti, LLC and Former Louisiana Attorney General File Suit Against BlackBerry Limited: Remind Investors With Large Financial Interests of Important December 3, 2013 Deadline - BBLR**

NEW ORLEANS, LA--(Marketwired - Oct 4, 2013) - Kahn Swick & Foti, LLC ("KSF") and KSF partner, Former Attorney General of Louisiana Charles C. Foti, Jr., announce the commencement of the firm's securities class

action lawsuit against BlackBerry Limited ("BlackBerry" or the "Company") (NASDAQ: [BBRY](#)). The lawsuit was filed in the United States District Court for the Southern District of New York on behalf of purchasers of BlackBerry common stock between September 27, 2012 and September 20, 2013 (the "Class Period").

#### **What You May Do**

If you are a BlackBerry shareholder and would like to discuss your legal rights and how this case might affect you and your right to recover for your economic loss, you may, without obligation or cost to you, e-mail or call KSF Managing Partner, Lewis Kahn ([lewis.kahn@ksfcounsel.com](mailto:lewis.kahn@ksfcounsel.com)), or KSF Partner Melinda Nicholson ([melinda.nicholson@ksfcounsel.com](mailto:melinda.nicholson@ksfcounsel.com)), toll free at 1-877-515-1850. If you wish to serve as a lead plaintiff in this class action by overseeing lead counsel with the goal of obtaining a fair and just resolution, you must request this position by application to the Court by December 3, 2013. Any member of the putative class may move the Court to serve as lead plaintiff through counsel of their choice, or may choose to do nothing and remain an absent class member. KSF encourages both institutional and individual purchasers of BlackBerry to contact the firm. The ultimate resolution of any securities class action is strengthened through the involvement of aggrieved shareholders and lead plaintiffs who have large financial interests. **KSF also encourages anyone with information regarding BlackBerry's conduct during the period in question to contact the firm, including whistleblowers, former employees, shareholders and others.**

#### **About the Lawsuit**

BlackBerry and certain of its officers and directors are charged with making a series of materially false and misleading statements and omissions related to the Company's business and operations in violation of the Securities Exchange Act of 1934. Specifically, BlackBerry failed to inform investors that, contrary to the Company's statements that its new BlackBerry 10 line of smart phones financially strengthened BlackBerry and positioned the Company on the road to recovery, BlackBerry's business, operations and financial situation was made even worse by the introduction of the BlackBerry 10 platform, which was poorly received by the market.

On September 20, 2013, BlackBerry announced the true state of the Company, which incurred massive charges due to unsold BlackBerry 10 devices and was forced to lay-off approximately 40% of its workforce. In relevant part, the release explained:

[The Company] expects to report a primarily non-cash, pre-tax charge against inventory and supply commitments in the second quarter of approximately **\$930 million to \$960 million**, which is primarily attributable to BlackBerry Z10 devices.

Furthermore, the Company also announced that it is targeting an approximate 50% reduction in operating expenditures by the end of the first quarter of Fiscal 2015. As part of this, BlackBerry will implement a workforce reduction of approximately **4,500 positions or approximately 40% of the Company's global workforce** resulting in a total workforce of approximately 7,000 full-time global employees.

As a result of the foregoing disclosure, BlackBerry stock plummeted from a closing price of \$10.52 per share on September 19, 2013 to a close of \$8.73 per share on September 20, 2013. The value of BlackBerry stock continued to slide on heavy trading volume over the next few days as investors digested the bad news, and closed at \$8.01 on September 25, 2013.

#### **About Kahn Swick & Foti, LLC**

To learn more about KSF, whose partners include the Former Louisiana Attorney General, Charles C. Foti, Jr., and other lawyers with significant experience litigating complex securities class actions nationwide on behalf of both institutional and individual shareholders, you may visit [www.ksfcounsel.com](http://www.ksfcounsel.com).

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# EXHIBIT D

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With offices in New York City and Stevenson, Maryland, Brower Piven focuses its practice in the areas of complex class action and other representative litigation. The firm's practice areas, while diverse, enable Brower Piven clients to call upon experience and resources available at few firms of its size. Brower Piven clients range from institutional and large private investors, to small and large businesses, to small individual investors and retail consumers. Regardless of the size of the matter, Brower Piven provides every client with the professional service, care, and quality that Brower Piven believes every client deserves.

Attorneys at Brower Piven, some with over 25 years of experience, are nationally recognized in the class action arena. The firm's attorneys have vast experience advising and representing plaintiffs in class actions under the federal securities laws; federal and state consumer protection laws; federal and state antitrust laws; state shareholder and corporate governance laws; federal and state environmental laws; and federal RICO laws. Brower Piven attorneys have served their clients in literally hundreds of federal and state actions in almost every state in the nation.

Some current matters in which Brower Piven has a leadership role demonstrate the scope of the firm's expertise. Brower Piven is co-lead counsel in the *In re Merck Securities, Derivative, & "ERISA" Litigation* pending in the United States District Court for the District of New Jersey, considered by many the largest federal securities fraud action in terms of damages in history, and lead counsel in pending shareholder litigation challenging the proposed \$38 billion take-over of Equity Office Properties Trust, one of the largest going private transactions in business history.

Brower Piven is also currently plaintiffs' court-appointed lead or co-lead counsel in the following federal securities class actions:

- *In re Arotech Corp. Securities Litigation* (E.D. N.Y.).
- *Klugmann v. American Capital Ltd., et al.* (D. Md.);
- *Gomez v. Bidz.com, Inc., et al.* (C.D. Calif.);
- *Landmen Partners, Inc. v. The Blackstone Group L.P., et al.* (S.D. N.Y.);
- *In re Crocs, Inc. Securities Litigation* (D. Colo.);
- *Freudenberg v. E\*Trade Financial Corporation, et al.* (S.D. N.Y.);
- *Gosselin v. First Trust Advisors L.P., et al.* (N.D. Ill.);
- *Kaplan v. Gaming Partners International, Inc.* (D. Nev.);

- *In re HomeBanc Corp. Sec. Litig.* (N.D. Ga.);
- *The Pennsylvania Avenue Funds v. INYX, Inc., et al.* (S.D. N.Y.)
- *Minneapolis Firefighters' Relief Association v. MEMC Electronic Materials, Inc., et al.* (E.D. Mo.);
- *In Re: Municipal Mortgage & Equity, LLC Securities and Derivative Litigation* (D. Md.);
- *In re Opteum, Inc. Sec. Litig.* (S.D. Fla.);
- *Gooden v. Smart OnLine, Inc., et al.* (M.D. N.C.); and
- *In re: Spectranetics Corporation Securities Litigation*, (D. Colo.);
- *Wagner v. Barrick Gold Corporation, et al.* (S.D. N.Y.);
- *In re Interlink Electronics, Inc. Securities Litigation* (C.D. Calif.).

Brower Piven is or has been co-lead and/or liaison counsel representing shareholders in merger-related class actions, including but not limited to, the following: *In re Allied Capital Corp. S'holder Litig.* (Cir. Ct., Montgomery Co., No. 324584-V); *In re Atheros Commc'ns S'holder Litig.* (Sup. Ct. Cal., Santa Clara Co., No. 1-11-CV-191146); *Ballard v. Orchid Cellmark, Inc.* (Sup. Ct. N.J. Ch. Div., No. C-32-11); *Berger v. Gulland, et al.* (Cir. Ct., Balto. City, No. 24-C-02-006336); *Blaz v. Pan Pacific Retail Props., Inc., et al.* (Cir. Ct., Balto. Co., No. 03-C-06-008085); *In re Bronco Drilling S'holder Litig.* (Del. Ch. Ct., C.A. No. 6398-VCP); *In re Fairchild Corp. S'holders Litigation* (Del. Ch., C.A. No. 871-N); *Galdi v. Optelecom-NFK, Inc., et al.* (Cir. Ct., Montgomery Co., No. 341448V); *Hofmeister, Jr. v. The Sparks State Bank* (Cir. Ct., Balto. Co., No. 108/278/95CV3523); *In re Inspire Pharm. S'holder Litig.* (Del. Ch. Ct., No. 6378-VCP); *In re Laureate Educ. S'holder Litig.* (Cir. Ct., Balto. City, No. 24-C-07-000664); *In re Nationwide Health Props., Inc. S'holder Litig.* (Cir. Ct., Balto. Co., No. 24-C-11-001476); *Ostensoe v. Hughes Communications, Inc., et al.* (Cir. Ct., Montgomery Co., No. 344267-V); *In re PHH Corp. Transaction Litig.* (Cir. Ct., Balto. Co., No. 03-C-07-002982); *In re Reckson Assocs. Realty Corp. S'holders Litig.* (Cir. Ct., Balto. City, No. 24-C-06-00006323); *In re Savvis S'holders Litig.* (Del. Ch. Ct., C.A. No. 6438-VCN); *Schwartz v. Pasternak* (*In re Hudson Holding Corp. S'holder Litig.*) (N.J. Sup. Ct. Ch. Div., No. C-6-11); and *In re XTO Energy S'holder Class Action Litig.* (352nd Judicial District of Tarrant County, Texas, No. 352-242403-09). Brower Piven is also plaintiffs' court-appointed co-lead or liaison counsel in shareholder derivative actions on behalf of shareholders of Bear Stearns & Co., Inc., Citigroup, Inc., and Merrill Lynch & Co., Inc. Brower Piven is or has been plaintiffs' counsel in the consumer class actions including the following: *H&R Block, Inc. "Express IRA" Mktg. Litig.* (W.D. Mo., No. 4:06-md-01786), *Huff v. Liberty League Int'l, LLC* (C.D. Cal., No. ED CV08-01010-JST-SS) (Lead Counsel); *Freedman v. Comcast Corp.* (Cir. Ct., Balto. City, No. 24-C-07-006743) (Lead Counsel); and *Segal v. Fifth Third Bancorp* (S.D. Ohio, No. 1:07 CV 348) (Lead Counsel).

The firm's experience is extremely broad and includes counseling and representing both public and non-public corporations and their executives, real estate developers, and large private investors in complex commercial litigation and on corporate governance matters, as well as representing both plaintiffs and defendants in class and non-class action litigation. The firm's experience on both sides of the bar makes it uniquely qualified to

provide its clients with a perspective not available from firms that solely represent plaintiffs or defendants. The success of the strategies pursued by the attorneys at Brower Piven in representing their clients over the years has been demonstrated by clients and classes represented by attorneys at Brower Piven recovering over \$1 billion in past and pending recoveries. The following is a sampling of the cases and results achieved by attorneys at Brower Piven where they have served as lead or co-lead attorneys for plaintiffs:

*Steiner v. Southmark Corporation*, No. 3-89-1387-D (N.D. Tex.), federal securities fraud class action against defunct real estate partnership marketer and its outside accountants resulting in a recovery of over \$75 million in cash for investors.

*In re Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.), a federal securities fraud class action on behalf of limited partners and shareholders where plaintiffs recovered over \$100 million in cash and benefits including the restructuring of dozens of oil and gas limited partnerships.

*In re StarLink Products Liability Litigation*, MDL No. 1403, No. 01 C 4928 (N.D. Ill.), representing all American corn farmers in nationwide litigation against manufacturer of unapproved pesticide which allegedly infected the U.S. corn supply and recovering over \$125 million in cash for the class members.

*Romig v. Jefferson-Pilot Life Insurance Company*, 95 CVS 9703 (Supr. Ct. N.C.), deceptive insurance sales practices action brought on behalf of a class of Jefferson Pilot life insurance purchasers, resulting in a recovery for policyholders valued at over \$55 million.

*In re MicroStrategy Securities Litigation*, No. 00-473-A (E.D. Va.), a federal securities fraud class action, where over \$125 million was recovered for investors, the Court commented that: "Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition that they enjoy.

*In re Arakis Energy Corporation Securities Litigation*, No. 95-CV-3431 (ARR) (E.D. N.Y.), federal securities class action against Canadian company resulting in a recovery of over \$24 million for investors.

*In re Spectrum Information Technologies Securities Litigation*, CV-93-2295 (FB) (E.D. N.Y.), securities fraud action against bankrupt issuer where over \$10 million in cash was recovered (including all insurance coverage available) for investors following successful trial and appeal against directors' and officers' insurance carrier who attempted to disclaim coverage.

*In re Bristol-Myers Squibb Securities Litigation*, 92-CIV-4007 (JES) (S.D. N.Y.), federal securities class action resulting in recovery of over \$19 million in cash for investors.

*Steiner v. Ideal Basic Industries, Inc.*, No. 86-M-456 (D. Colo.), federal securities class action against the former *Fortune 500* cement manufacturer resulting in an over \$17.5 million recovery in cash for investors.

*In re Broadwing Securities Litigation*, No. C-1-02-795 (S.D. Ohio), federal securities class action against major public utility/broadband company resulting in a recovery of over \$35 million in cash for investors.

*Berger v. Compaq Computer Corporation*, No. 00-20875 (S.D. Tex.), a federal securities class action where, after a successful appeal of a question of first impression in the federal appellate courts relating to the selection of lead plaintiffs and class certification in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995, over \$29 million was recovered for investors.

*In re Bausch & Lomb Securities Litigation*, No. 01-CV-6190 (CJS) (W.D. N.Y.), federal securities class action resulting in a recovery of over \$12.5 million for investors.

*Slone v. Fifth Third Bancorp, et al.*, No. 1:03-CV-211 (S.D. Ohio), securities fraud action against one of the largest mid-west bank holding companies, resulting in a recovery of \$17 million for investors.

*Poziak v. Imperial Chemical Industries, PLC, et al.*, No. 1:03 cv 2457 (NRB) (S.D. N.Y.), securities fraud action against one of the United Kingdom's largest public corporations, resulting in a recovery of approximately 90% of recoverable damages in cash for investors.

*J.E. Pierce Apothecary, Inc. v. Harvard-Pilgrim Health Care, Inc., et al.*, No. 98-12635-WGY (D. Mass.), unfair and deceptive trade practices action on behalf of independent Massachusetts pharmacies against Harvard Pilgrim HMO and CVS Pharmacies, Inc. resulting, after bench trial, in excess of 100% of estimated recoverable damages for the class, including trebling.

The foregoing sampling of results is the product of the depth and breadth of the professional experience of attorneys at Brower Piven. The firm's attorneys include:

## **DAVID A.P. BROWER**

Mr. Brower has over 25 years of complex litigation experience. Mr. Brower has successfully represented plaintiffs in class action securities, consumer protection, environmental, antitrust and RICO actions, and representative shareholder derivative and take-over litigation. Mr. Brower, a member of the Bar of the State of New York, is also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits, and innumerable federal and state trial courts. Mr. Brower has participated in the prosecution as lead or co-lead counsel in successful federal securities law class actions against, among others: Imperial Chemical Industries, Fifth Third

Bancorp, Southmark Corp., Ideal Basic Industries, Bristol-Myers Squibb, Tower Semiconductor, Gibson Greetings, Arakis Energy Corp., Scoreboard, Coastal Healthcare, Everest & Jennings International, B.T. Office Products, Profit Recovery, Enstar Corp., Jenifer Convertibles, Warner Communications, Sambos Restaurants, Sunrise Savings & Loan, Phillip Morris Companies, Bausch & Lomb, Nanophase Technologies, Ramada Inns, Michael Stores, Inc., Consumers Power Co., Broadwing/Cincinnati Bell, Compaq Computer Corp., and Computer Associates. Mr. Brower has also participated in the prosecution as lead or co-lead counsel in merger litigation on behalf of, among others, public shareholders of Sheller Globe Corp., Petro-Lewis Corp., Floating Point Systems, Holnam Corp., Wometco Enterprises, Inc., Great Bay Casinos Corp., Home Shopping Networks, MCA, Holly Sugar Co., and ARM Financial Group; and shareholder derivative actions on behalf of shareholders of Banner Industries, Marsh & McLennan Companies, and Merrill Lynch, Pierce, Fenner & Smith.

Since 2004, Mr. Brower has been one of the lead attorneys with day-to-day responsibility for the prosecution of the securities fraud claims in *In re Merck & Co, Securities, Derivative & ERISA Litigation*, MDL No. 1658, No. 2:05-CV-02367 (D. N.J.), an action where the damages to class member are estimated to be among the largest in the history of federal securities class litigation. Additionally, while at his former firm, Mr. Brower was one of the attorneys with primary responsibility for class certification issues, including successfully arguing the class certification motion before the trial court, in *In re Initial Public Offering Securities Litigation*, 21 MC 92 (S.D. N.Y.), among the largest securities litigations ever prosecuted, encompassing approximately 309 consolidated class action cases alleging market manipulation claims in connection with the initial public offering of securities by over 55 defendant underwriters. Mr. Brower also served as liaison counsel in *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (S.D. N.Y.), which resulted in a recovery of over \$75 million for Sotheby's investors.

Mr. Brower has also served as lead or co-lead counsel in consumer fraud actions against Aventis CropScience, Compaq Computer Corporation, Jefferson-Pilot Life Insurance Company, Sprint PCS Wireless, Metropolitan Life Insurance, Harvard Pilgrim Healthcare, and CVS Corporation. In the antitrust field, Mr. Brower acted as lead counsel in litigation against Monsanto Company, E. I. du Pont de Nemours & Co. and Pioneer Hybrid International, Inc. (No. 4:05-CV-01108-ERW (E.D. Mo.), on behalf of genetically modified seed purchasers, and participated in the *In re Initial Public Offering Antitrust Litigation*, No. 01 CIV 2014 (WHP) (S.D. N.Y.).

In the area of environmental law, Mr. Brower has served as one of the lead attorneys in pollution actions on behalf of Oklahoma landowners against chicken producers, including Tyson Foods, Inc.; and as counsel for Missouri landowners in pork producer nuisance actions against Contigroup Companies, Inc. (formerly Continental Grain) and Premium Standard Farms, which recently resulted in verdicts in favor of neighboring farmers.

Before joining Brower Piven, Mr. Brower also represented a nationwide class of hospitals in RICO litigation against Tenet Healthcare Corporation based on claims that its conduct

caused class member hospitals to receive reduced “Outlier” reimbursements from Medicare.

Mr. Brower has also represented: directors and officers of public companies in securities class actions, including the directors of Heritage Hospitals; represented a former multi-state hospital developer; advised boards of directors of public companies regarding their fiduciary responsibilities; provided opinions as special counsel under Delaware law to public companies, including MGM/UA; represented insurance and reinsurance companies in coverage litigation, including matters involving Johns Manville, PepsiCo and Hilton Hotels; represented commodities dealers and brokers in connection with Commodities Futures Trading Commission reparations actions; represented foreign corporations in United States litigation, including one of Japan’s largest electronics, international hotel and resort companies in litigation against its American counsel and financial advisors; represented a Brazilian trust holding claims for one of Brazil’s largest telecommunications companies; and defended a large, Florida-based, national mortgage brokerage company, Foundation Funding, in class action litigation brought under the Truth In Lending Act.

Mr. Brower, is a graduate of Columbia College of Columbia University (A.B. 1979), and the Georgetown University Law Center (J.D. 1982), and he attended King’s College, University of London (1980), where he studied comparative, international, and EC transactional law. Mr. Brower regularly lectures before professional organizations and at CLE-accredited conferences on the class action procedures and securities laws and shareholder and investor rights, including the American Law Institute/American Bar Association Advanced Course of Study Program, the Practicing Law Institute, and the New York State Bar Association. Mr. Brower regularly writes on class action procedures and new issues in class action jurisprudence. Mr. Brower is a long-time member of the New York State Bar Association Subcommittee on Class Actions, has participated as a member of the Executive Committee of the National Association of Securities and Consumer Law Attorneys, and actively participated in legislative initiatives relating to the Private Securities Litigation Reform Act of 1995 and the Class Action Fairness Act of 2005.

### **CHARLES J. PIVEN**

Mr. Piven is a seasoned litigator who has led his own practice since 1990. During his more than 30 years in practice, Mr. Piven has represented individuals, partnerships, trusts, pension plans and corporations in many types of cases. Mr. Piven’s experience includes litigation in the areas of complex securities, shareholder, consumer protection, personal injury and property damage class actions, merger and acquisition class actions, bankruptcy, first amendment, copyright, employment, wrongful death, and legal, medical, accounting and broker malpractice.

Class and representative actions in which Mr. Piven has served as lead, co-lead, liaison or local counsel include, among others, Baltimore Bancorp securities litigation, USFG securities litigation, Yorkridge Calvert Savings & Loan securities litigation, Maryland

National Bank securities litigation, Reckson Associates Realty Company derivative litigation, Read-Rite Corporation securities litigation, Mid-Atlantic Realty shareholder merger litigation, Pan Pacific Realty shareholder merger litigation, Allied Irish Banks derivative litigation, Sprint Spectrum Cellular Telecommunications Company consumer litigation, IWIF Wiretap consumer litigation, Land Rover Group Ltd. consumer litigation, Cellular One consumer litigation, H&R Block Refund Anticipation Loan consumer litigation, Prison Telephone consumer litigation, and BlueCross/Blue Shield consumer litigation.

Mr. Piven has taken an active role in the prosecution of litigation relating to allegations that mutual fund investors have been victimized by directed brokerage arrangements, excessive fees, excessive commissions and deceptive sales practices or other actionable conduct. Some of the mutual fund families and brokerage firms involved in these cases that Mr. Piven has been responsible for originating include: Lord Abbott, AIM/Invesco, BlackRock, Davis, Eaton Vance, Dreyfus, Evergreen, Federated, Alliance, Franklin, Hartford, MFS, PIMCO, Scudder, Columbia, Goldman Sachs, Merrill Lynch, Morgan Stanley, Salomon Smith Barney, Edward Jones, UBS, Wells Fargo and American Express. Investors in mutual fund cases initiated or led by Mr. Piven's clients have achieved a settlement with brokerage firm Edward Jones for approximately \$125,000,000, with American Express for approximately \$100,000,000, and with Merrill Lynch for approximately \$26,000,000.

Mr. Piven also directly represents the lead plaintiff(s) and/or proposed class representative(s) in approximately 25% of the 309 cases encompassed by the Initial Public Offering Securities Litigation pending in the Southern District of New York, and Mr. Piven and the firm have taken an active role in the discovery in this litigation.

Mr. Piven also has experience in the field of ERISA class actions on behalf of former and current company employees. ERISA cases in which Mr. Piven is or has been counsel for named plaintiffs include: Aquila ERISA litigation (W.D. Mo.); General Motors ERISA litigation (E.D. Mich.); ConAgra Foods ERISA litigation (D. Nebr.); the Coca-Cola Enterprises ERISA litigation (N.D. Ga.); Fannie Mae ERISA litigation (D. D.C.); Delphi ERISA litigation (E.D. Mich.); Ford Motor Company ERISA litigation (E.D. Mich.) and the Pfizer ERISA litigation (S.D. N.Y.).

Mr. Piven is a 1975 graduate of Washington University and a 1978 graduate of the University of Miami School Of Law. During law school, Mr. Piven was a student law clerk for the late Honorable United States District Judge C. Clyde Adkins of the Southern District of Florida. Mr. Piven was admitted to the bars of the States of Florida (currently inactive) and Maryland in 1978. Mr. Piven is a member in good standing of the Court of Appeals of Maryland, the United States Court of Federal Claims, the United States Tax Court, the United States District Court for the Districts of Maryland and Colorado, the United States Courts of Appeals for the First and Fourth Circuits, and the United States Supreme Court.

## **RICHARD H. WEISS**

Richard H. Weiss received an A.B. degree summa cum laude from Princeton University in 1979. In 1980, he received an M.Phil. degree in international relations from Cambridge University, England. He graduated from Yale Law School in 1983. His practice focuses primarily on class actions on behalf of defrauded investors, as well as other complex civil litigation. Among his accomplishments during more than 30 years of practice, Mr. Weiss was one of plaintiffs' lead counsel in *Makor Issues & Rights, Ltd. v. Tellabs, Inc.* (N.D. Ill.), in which the United States Supreme Court established the pleading standard for all federal securities fraud cases. Currently, Mr. Weiss is one of the attorneys leading the prosecution of the Merck/Vioxx securities litigation. Mr. Weiss served for two years on the Securities Editorial Advisory Board of Law360.

Mr. Weiss is admitted to practice in New York State, the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit and various other federal appellate courts, and the United States Supreme Court.

## **BRIAN C. KERR**

Mr. Kerr maintains a wide-ranging complex commercial litigation practice representing individuals and institutions in securities fraud, merger and acquisition class actions, consumer fraud, antitrust, commercial disputes, and other complex litigation. Mr. Kerr brings the skills of a courtroom advocate to each of his matters having tried cases before judges and juries.

Mr. Kerr was one of the principal trial counsel for plaintiffs in the securities fraud class action against Vivendi Universal (*In re Vivendi Universal, S.A. Sec. Litig.*, No. 02 Civ. 5571 (S.D.N.Y.)), where in January 2010 the jury returned a verdict that at the time had an estimated value of up to \$9 billion. Mr. Kerr has also represented: institutional investors in a securities fraud class action against Tyco International, Dennis Kozlowski, PricewaterhouseCoopers, and others (*In re Tyco Int'l. Ltd. Sec. Litig.*, MDL Docket No. 02-1335-PB (D.N.H.)), which resulted in combined settlements of \$3.2 billion; lead plaintiffs in a securities class action against Rite Aid, former CEO Martin Grass, and KPMG (*In re Rite Aid Corp. Sec. Litig.*, MDL Docket No. 1360 (E.D. Pa.)), where total settlements were \$323 million, including the then-second largest securities fraud settlement ever against a Big Four auditing firm; class plaintiffs in a securities class action against General Instrument (*In re General Instrument Sec. Litig.*, 92 C 1129 (N.D. Ill.)), which resulted in \$48 million settlement; a book publisher in a multi-million dollar defamation/breach of contract case against News Corporation (settled on confidential terms); a UK film producer in an antitrust case involving the alleged manipulation of the market for Warhol art; a US hedge fund in a shareholder derivative action arising from the collapse of Bear Stearns; and the Australis Media Group in a multi-million dollar complex commercial dispute in NY State Supreme Court against News Corp., Sony, Universal, and Paramount arising from an alleged international conspiracy to put Australis out of business (also settled on confidential terms).

Mr. Kerr has also been actively involved in pro bono efforts, including the representation of indigent prisoners in civil rights cases before the US Court of Appeals for the Second Circuit, and working extensively with Trial Lawyers Care to provide free legal assistance to the families of victims of the September 11 attacks.

In 1993, Mr. Kerr graduated *summa cum laude* with a BA in Economics from the University of Albany, where he received the Gordon Karp Prize for Excellence in Economics, was founder of the Presidential Honors Society, a member of Phi Beta Kappa, and valedictorian. In 1996, Mr. Kerr graduated from Hofstra Law School, where he was a member of the Hofstra Law Review and a Dean's Scholar. Mr. Kerr, admitted to the Connecticut Bar in 1996 and the New York Bar in 1997, is a member in good standing of the United States District Court for the Southern and Eastern Districts of New York, as well as the United States Court of Appeals for the Second and Third Circuits.

### **ANDREW WILMAR**

Mr. Wilmar is a graduate of Harvard Law School. While at Harvard, Mr. Wilmar was an Executive Editor for the Harvard Civil-Rights-Civil-Liberties Law Review. He was also a finalist in the Ames Moot Court Competition, and was named Best Oralist during the semi-final round. Mr. Wilmar also graduated *magna cum laude* from Yale University. After law school, Mr. Wilmar clerked for the Hon. Robert L. Carter of the Southern District of New York. Since then, Mr. Wilmar has worked for some of the leading plaintiffs' class-action firms in the country. Mr. Wilmar was a key member of the litigation team in the *Vivendi* securities class action, where he helped plaintiffs obtain a jury verdict that at the time had an estimated value of up to \$9 billion.

### **CHARLES NOAH INSLER**

Charles Noah Insler is a graduate of Tulane University Law School. While at Tulane, Mr. Insler was a Managing Editor of the Tulane Maritime Law Journal. Mr. Insler graduated *magna cum laude* from Princeton University. After law school, Mr. Insler spent three years clerking for Magistrate Judge David D. Noce of the Eastern District of Missouri. Following the clerkship with Judge Noce, Mr. Insler served as a staff attorney for the Sixth Circuit Court of Appeals. Mr. Insler is admitted to practice in the District of Columbia and his admission to Maryland is currently pending. He has previously been admitted to practice in Missouri (currently inactive) and Illinois (currently inactive).

### **YELENA TREPETIN**

Ms. Trepentin is a graduate of Tulane University Law School. While at Tulane, Ms. Trepentin was the Senior Managing Editor of the Tulane Journal of International and Comparative Law. She also served as a student attorney for the Domestic Violence Clinic. In the fall of 2005, Ms. Trepentin attended Duke University School of Law where she was a visiting Staff Editor of the Duke Journal of Comparative and International Law. Ms. Trepentin graduated magna cum laude from Brandeis University. Ms. Trepentin

also studied for a year at the London School of Economics and Political Science. Ms. Trepentin's legal work experience includes clerking at the Maryland Office of the Public Defender for Baltimore County and interning for the Honorable J. Norris Byrnes and the Honorable Lawrence R. Daniels in the Circuit Courts of Baltimore County. Ms. Trepentin is admitted to practice in the State of Maryland, and she is a member of the Baltimore County Bar Association and the Bar Association of the District of Columbia.

### **DANIEL KUZNICKI**

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### **KATHERINE BORNSTEIN**

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Ms. Bornstein is admitted to practice law in Maryland, Pennsylvania and California, as well as before the United States Supreme Court, the United States Courts of Appeal for the First, Third, Fourth and Fifth Circuits and numerous United States District Courts including the District of Maryland, Eastern District of Pennsylvania and Central District of California. Ms. Bornstein received her J.D. from the Emory University School of Law and her undergraduate degree from the University of Maryland.